

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**SAMONE T. PARKER, Individually and as
Special Administrator of the Estate of Tonya
L. Drapeau, deceased;**

Plaintiff,

vs.

**THE UNITED STATES OF AMERICA,
VISTA STAFFING SOLUTIONS, INC.,
NEVINE MAHMOUD, M.D.; and ROBIN
HARRIS, R.N.;**

Defendants.

8:18CV123

**THIRD AMENDED
CASE PROGRESSION ORDER**

This matter comes before the Court following a status conference held with counsel for the parties on April 6, 2020. After a review of the Joint Motion for Extension of Expert Designation Deadline and Deposition Deadline ([Filing No. 207](#)), and in accordance with the matters discussed during the telephone conference,

IT IS ORDERED that the Joint Motion for Extension of Expert Designation Deadline and Deposition Deadline ([Filing No. 207](#)) is granted and the second amended case progression order is amended as follows:

- 1) The pretrial conference scheduled for September 25, 2020, is cancelled and will be rescheduled at a later date.
- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure remains **April 28, 2020**.
- 3) On or before **May 5, 2020**, the parties shall notify the Court regarding the outcome of mediation scheduled for April 28, 2020.
- 4) The deadlines for completing expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the defendants:	July 31, 2020
Plaintiffs' rebuttal:	August 31, 2020

- 5) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **September 15, 2020**.

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

- 6) A status conference to discuss dispositive motions, the pretrial conference and trial dates, and settlement status will be held with the undersigned magistrate judge on **September 25, 2020**, at **10:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 7) The deadline for filing motions to dismiss and motions for summary judgment is **October 30, 2020**.
- 8) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **October 30, 2020**.
- 9) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 10) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 6th day of April, 2020.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge